

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JAVIER LOMALI LANDERAS,

Plaintiff,

Case No. 11-14548

v.

HON. GEORGE CARAM STEEH

J.S. WALTON, WARDEN, et al.,

Defendants.

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ORDER DISMISSING CASE

On October 17, 2011, plaintiff Javier Lomali Landeras, appearing *pro se*, filed a complaint against J.S. Walton, Warden, and other defendants "To Be Amended And Added When Identified" asserting violations of plaintiff's First, Eighth, and Fourteenth Amendment rights based on a failure to provide plaintiff with competent medical care and treatment for his ear. At the time of the filing, plaintiff was a federal prisoner held at the federal correctional institution in Milan, Michigan. On November 1, 2011, plaintiff was released from the Milan institution. On November 8, 2011, plaintiff was deported to Mexico by Immigration and Customs Enforcement. The deportation officer states plaintiff will not be allowed legal entry into the United States for a period of 20 years. The November 7, 2011 and January 30, 2012 orders issued in this case and mailed to plaintiff were returned to the court as undeliverable. On February 17, 2012, defendant filed a motion to dismiss pursuant to Federal Rule of Civil Procedure 12(b)(6) and Local Rule 41.2. In his motion to dismiss, defendant argues plaintiff's claims should be dismissed because: (1) plaintiff failed to exhaust his administrative remedies; and (2)

plaintiff has failed to, and will be unable to, prosecute this case. On March 22, 2012, the court issued an order to show cause as to why the case should not be dismissed. As explained in the order to show cause, both Local Rule 41.2 and Local Rule 11.2 provide a basis for dismissal of this action because plaintiff did not file a response to the motion to dismiss and because plaintiff has failed to provide the court with updated contact information. The order to show cause required a response by April 18, 2012. No response was filed by the deadline. For the reasons set forth in defendant's motion to dismiss and the court's order to show cause, the case is DISMISSED.

Dated: April 23, 2012

s/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on April 23, 2012, by electronic and/or ordinary mail. The current address of plaintiff is unknown.

s/Marcia Beauchemin
Deputy Clerk